

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

DIAMOND WENDELL ALEXANDER JR.,

Defendant.

Case No. CR10-10-RSL

DETENTION ORDER

Offenses charged:

Bank Fraud and Aggravated Identity Theft.

Date of Detention Hearing: March 31, 2011.

The Court, having conducted a detention hearing pursuant to Title 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which the defendant can meet will reasonably assure the appearance of the defendant as required and the safety of any other person and the community.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

Defendant came before the Court after being arrested for alleged violations of conditions of release. Over the last year, defendant violated his curfew and was cited for driving with a

1 suspended license. At the recommendation of pretrial services, the Court took no action. The
2 Court took action in December 2010 and issued a warrant for defendant's arrest when defendant
3 yet again violated his curfew. Defendant was arrested and admitted the violation. After repeating
4 the promise he made earlier that he would follow all of the conditions of his appearance bond, he
5 was released. On March 24, 2011, pretrial services petitioned the Court for an arrest warrant
6 alleging defendant left the state without permission and had been cited with driving with a
7 suspended license. Defendant admitted he left the state without permission but denied the othe
8 allegation claiming he thought his license was not suspended. Defendant argued for release
9 indicating his head injury made him forgetful and that he had not committed any serious crimes
10 and had made all his court appearances. Defendant also argued that if the Court ordered
11 detention, he would be placed in administrative segregation, an unfairly harsh circumstance.

12 The fact that defendant has not committed more serious violations does not persuade the
13 Court he should be released. Defendant has repeatedly violated his conditions of release and has
14 thus shown either the inability or unwillingness to abide by release conditions. The U.S. Pretrial
15 Services officer stated he specifically told defendant he could not leave the state. Despite this,
16 defendant left the state and went to Oregon. This violation comes after a series of other
17 violations that the Court did not act on. Defendant has now pled guilty and faces at his June
18 2011 sentencing hearing a mandatory minimum term of two years in prison. There is no
19 presumption of release at this point and given defendant's conduct over the last year, the Court
20 concludes revocation of the appearance bond is appropriate and that defendant should be
21 detained.

22 Based on the Court's decision to detain defendant, the government withdrew the
23 allegation that defendant committed a law violation in February 2011 by driving with a

1 suspended license. The government reserved the right to raise the allegation in the event there
2 was an appeal of this order.

3 It is therefore **ORDERED**:

4 (1) Defendant shall be detained pending trial and committed to the custody of the
5 Attorney General for confinement in a correctional facility separate, to the extent practicable,
6 from persons awaiting or serving sentences, or being held in custody pending appeal;

7 (2) Defendant shall be afforded reasonable opportunity for private consultation with
8 counsel;

9 (3) On order of a court of the United States or on request of an attorney for the
10 Government, the person in charge of the correctional facility in which Defendant is confined
11 shall deliver the defendant to a United States Marshal for the purpose of an appearance in
12 connection with a court proceeding; and

13 (4) The clerk shall direct copies of this order to counsel for the United States, to
14 counsel for the defendant, to the United States Marshal, and to the United States Pretrial Services
15 Officer.

16 DATED this 31st day of March, 2011.

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BRIAN A. TSUCHIDA
20 United States Magistrate Judge
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